

TESTIMONY OF BUCKS COUNTY (PA) FIRST ASSISTANT DISTRICT  
ATTORNEY  
DAVID W. ZELLIS

Before the United States House of Representatives  
The Committee on Energy and Commerce  
Subcommittee on Telecommunications and the Internet

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TESTIMONY OF FIRST ASSISTANT DISTRICT ATTORNEY DAVID W.  
ZELLIS

Chairman Upton, members of the committee, ladies and gentlemen.

Thank you for the opportunity to be here today to talk about a serious issue that affects our most treasured resource, our children, and our effort to protect them from the dangers of “social networking sites” that exist on the World Wide Web.

As the highest ranking prosecutor next to the elected District Attorney, I have spent the past twenty-two (22) years fighting in the courtroom to put criminals behind bars. My courtroom experience involves every type of case, including capital murder. I also work hand in hand with law enforcement as they investigate criminal activity. One could say that during my tenure as a county prosecutor “I have seen it all”. Despite my exposure to all kinds of criminal behavior, I, like many of my colleagues, have been shocked and dismayed by the latest rage, politely known as “social networking sites”, but commonly known as MySpace, Friendster, Facebook and Xanga.

It was not that many years ago that police arrested and I prosecuted child molesters for making advances toward children on the street corner or in the park. It was not that long ago that drug dealing took place on the street corners, and I locked those dealers up, and it was only a short time

ago that “bullying” meant beating up a kid on the playground. Times have changed. The internet and these social networking sites have redefined, reinvented and reinvigorated child predators, drug dealers and bullies. Now sexual predators troll the social networking sites rather than the streets, and get all the information they need in order to groom children for the ultimate purpose of victimizing them. Drug dealers in suburban communities like Bucks County can now conduct business in cyberspace instead of the street corner. And bullies do not have to throw a punch when they can go on the internet and engage in cyber bullying and inflict more pain and suffering on kids than a fight in the school yard used to cause.

Bucks County, Pennsylvania, is a diverse northern suburb of Philadelphia. With over 600,000 residents, in many ways it represents a typical suburban community. We have areas where crime is higher than other areas, but on the whole the streets of Bucks County are very safe. The information superhighway, however, possesses a significant challenge to law enforcement, schools, parents and legislators, as we try to balance the benefits and the dangers that lurk in cyberspace.

There are four recent cases that occurred in Bucks County that poignantly illustrate the dangers posed by such sites as MySpace. In the

first case, a fourteen year old boy had his profile posted on MySpace. In April of 2006 he was contacted by a male posing as a teenager, who convinced the fourteen year old to lie to his mother and have her drop him off at the local mall. The male met the fourteen year old at the mall and then took him to a motel, where he had sexual intercourse with the child. This scenario happened on a number of occasions, and was only discovered when a school official overheard the fourteen year old's conversation with a friend, and reported it to law enforcement. Following the arrest, the male perpetrator was identified as a twenty-five year old. The fourteen year old had never been in trouble before, and prior to this had had no sexual experience. The sexual predator now sits in the Bucks County Prison awaiting trial.

The next case is one of the first cases in which law enforcement arrested someone for selling drugs on MySpace. Not only was this juvenile selling drugs on MySpace, but he was pictured on MySpace with an assortment of guns.

The third case involves a thirteen year old girl who posted her pictures on MySpace. A male began conversing with her on the internet. Fortunately, the child's mother contacted law enforcement and the police took over the conversations with this sexual predator and ultimately

arrested him. He was identified as a male who was working in an OB/GYN office.

Finally, we have seen street gangs taking advantage of the opportunities provided through social networking sites, and such street gangs as the Bloods and Crips use the sites as a recruitment tool in the suburbs.

Too often as a society we think that sexual predators and internet crime is somebody else's problem, not ours. Those of us in law enforcement know that nothing could be further from the truth. These four examples which occurred in Bucks County within the last six months indicate that the kind of criminal activity in cyberspace knows no boundaries, and now happens on a national and international level.

My office is not only prosecuting such cases in court, but we are proactively engaged in prevention activities. We have gone into elementary, middle and high schools to educate students about the dangers involved in social networking sites. We have held town meetings around the county to educate parents about how to keep their children safe on the internet. These programs have been well received by students and parents, and it has become clear to us that parents and most kids do not

want pornography or sexual propositions to interfere with their use of the internet

During the course of our town meetings with parents, we have found a hunger on the part of the parents to learn as much as they possibly can, because parents legitimately feel that they are playing “catch up” to their children when it comes to the internet. One of the critical components of the Deleting Online Predators Act is requiring the Federal Trade Commission to create a website which can be used as a resource for parents, teachers and others regarding the dangers on the internet to child users. In addition, the requirement that the Federal Trade Commission issue consumer alerts to parents and other regarding the potential dangers of internet child predators is critical to providing parents and teachers with worthwhile information that they crave. This begins to address one of the most significant concerns, and that is that no one is controlling the information highway.

Finally, with respect to the Deleting Online Predators Act, if you knew that a child molester was going to the library or to a school and grooming children for future sexual exploitation, would you allow such behavior to go on? Of course not. But that is exactly what is going on when children in school or at the library are permitted to freely access commercial

networking sites like MySpace and chat rooms, while sexual predators lurk in their midst in cyberspace.

We cannot and should not permit our children to fall prey to the exploit of sexual predators while they are at school or at the library. We have seen first hand that when a law enforcement officer poses as a teenager on line, sexually explicit instant messaging and solicitations occur quickly and rampantly. There can be no doubt that a child's innocence and perhaps even more can be lost in an instant on the internet.

On behalf of Bucks County District Attorney Diane E. Gibbons, we wholeheartedly endorse the Deleting Online Predators Act because it educates parents and children about the dangers of the Internet and limits access to certain sites during the school day. Our children's safety must come first.